

2ND

URBAN/MUNICIPAL

CA 40N HBL J85

A56

L1

CITY OF HAMILTON

LICENSING COMMITTEE

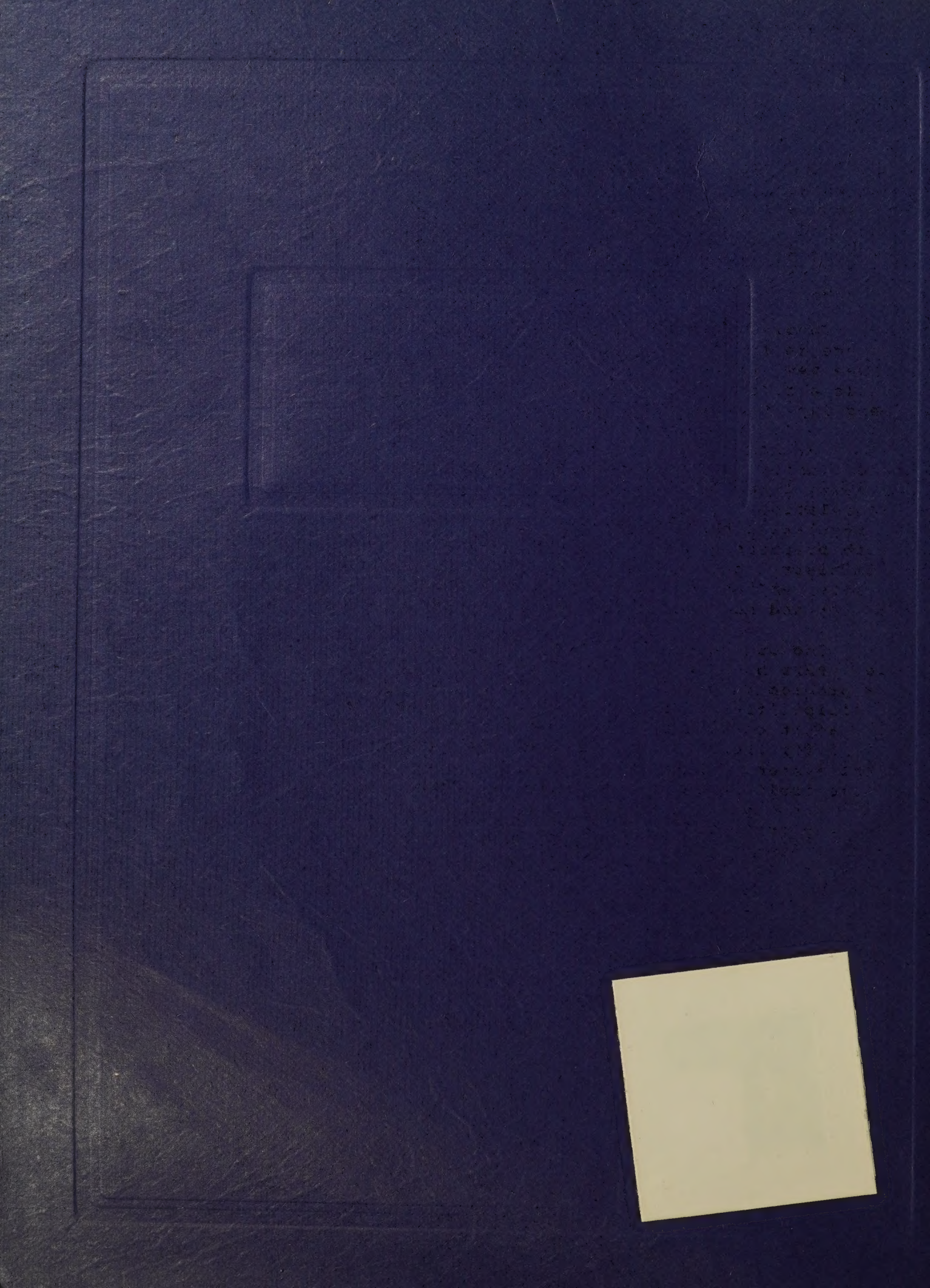
ANNUAL REPORT - October 3, 1980

1980 ONLY.

22096

.V135

1980



TO ALL MEMBERS OF COUNCIL

Five years ago, major changes were made in the administration and enforcement of licensing in Hamilton. We created methods, procedures, job categories and job descriptions that we felt would meet the needs of an expanded and growing licensing section. The Council did, however, take into account that at a later date, five years was suggested, all of these matters should be re-examined in light of the experience we would have gained.

Coupled with this, I have felt for some time that, with the change in licensing from a standing committee of Council to a three member quasi-judicial tribunal, we should on an annual basis table a report before the Council on our activities and to recommend improvements to the system.

The last five years have been positive ones for the Committee and Council and especially so for the citizens of Hamilton. As a result, I am pleased to report that we now have more enforceable legislation in the areas where it is needed and in other sectors deregulation has taken place. This has led towards better liaison with business groups affected by our regulations, more efficient administration, chiefly through the changeover to computers, greater emphasis on the training and education of our staff and a fairer and more equitable means of issuing licences.

One of the major changes which we have experienced in the past few years has been the placement by the Province of many difficult or problem industries under the regulatory jurisdiction of local municipalities. Chief amongst these have been the lotteries and the adult entertainment business. This has created special problems for those municipalities which are in the Regional Government system. While we regulate in total 80 licence categories, these could be considered chiefly civil in nature. These latest areas, however, are more closely linked with the criminal code. In many municipalities this would mean enforcement by the local police department. In our case, however, there is a split jurisdiction, licensing is municipal; policing is regional. This creates particular problems which require close liaison and co-operation between licensing and police officials. This has been achieved successfully and many other municipalities are now studying our methods and procedures in an attempt to achieve the same results.

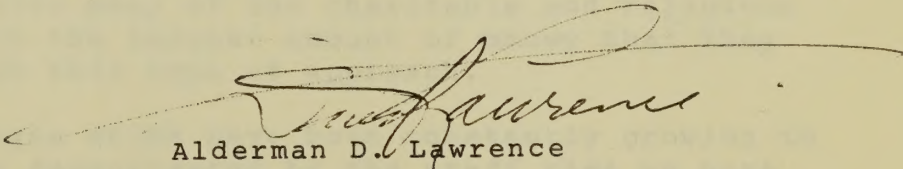
A great deal of the credit for this success must be attributed to the Police Department. They have not only co-operated in the area of enforcement, but have also actively given us the benefit of their experience in the areas of drafting new by-laws as well as the education and training of staff. While we have received assistance from many officers over the years, we must make special mention of Chief Torrance for encouraging this type of participation and involvement, Inspector Norm Thompson, his predecessor Inspector Doug Larson, Staff Sergeant Roy Merritt and Staff Sergeant Fred

Pawluk for giving of their time and experience in assisting both the Committee and staff.

I must also take this opportunity to thank my fellow committee members. Over the years, licensing has often proven to be an onerous task. You are placed in a position of judgment which can often have significant effect upon the future of both individuals and the community. As Chairman of the Committee, I have over the past several years been ably assisted by Alderman Fred Lombardo, Controller Bob Morrow and more recently Controller Pat Valeriano. Over the past year, we have held 14 formal meetings encompassing 153 individual hearings. In addition, it has been necessary for us to meet on a weekly basis to cover many of the legislative and enforcement changes.

Lastly, I would ask you to give serious consideration to the recommendations which we are making in this report, both in the area of staff changes and reclassification and, also, in the re-adjustment of licensing fees.

I have been involved with licensing throughout all of the five years covered in this report and was instrumental in many, if not all, of the changes that have taken place. These recommendations have come about as the result of careful consideration over a considerable period of time and we believe that they should be implemented fully.



Alderman D. Lawrence
Chairman

City of Hamilton Licensing Committee

TO ALL MEMBERS OF COUNCIL

As I am sure you are all aware that I have been involved in the licensing process in its entirety for the past five years. During this time, I was asked by the Chairman to accept the responsibility for overseeing the regulation of the lottery and cartage businesses. A lottery subcommittee was formed comprised of myself, representatives of staff and the police department. This step was taken to try and bring to a head and resolve the chaotic situation which many of the local charitable and religious groups found themselves in. We were soon able to narrow down the problems and found most of them to be in the area of bingo lotteries, though we have also had difficulties with monte carlos and nevada club cards.

A number of councillors have questioned the degree of our involvement in this area. If we look at the statistics for last year, we find that bingo alone generated approximately 6.5 million dollars in this City alone, of that amount only \$800,000 was realized by the charities. While we were not entirely satisfied with these results, let me assure you that this was a substantial increase over the previous year. Interestingly enough, there were no changes in the total number of people who played; there were no significant changes in the number of organizations which held licences and there were no changes in the number of halls in which the games were held. What did happen, however, (in the latter part of 1978) was a major change in the bylaws governing bingo, a change which was proposed, discussed and implemented under a lot of protest and controversy. The results speak for themselves. While it has often been a long and difficult process, the end result has been to provide many of the charitable and religious groups in this City with the largest amount of money that they have ever raised through this type of approach.

Lotteries are an area which have been constantly growing in importance for us as is demonstrated by the staff time we have committed and by the efforts that the Licensing Committee has put into seeing that they are properly administered and regulated.

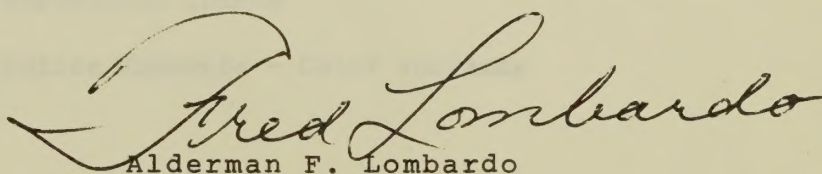
We have not achieved these results alone. Lottery licences are issued under an exemption in the Criminal Code and we have found that proper regulation and enforcement requires a partnership between the licensing and police departments (Vice Section). Both sides have willingly entered into and participated in this partnership and a great deal of credit must be given to both the staff of the police department and our own licensing staff for the results that we have achieved to date.

Looking towards the end of 1980, we are projecting that bingo will raise in excess of 8 million dollars gross and, when coupled with all other types of lotteries which we administer, the total will probably be in excess of 10 million dollars. When dealing with such a sum (all in cash) and the hundreds of people involved in the running of bingo games, you can begin to appreciate the dangers and pitfalls that this type of operation engenders.

In dealing with the Cartage Industry, we have had some success, however, a major effort is still required in this area. To date, we have concentrated on ensuring that the majority of people working in this area are licensed and that all government projects i.e. snow removal and road construction use only local licensed truckers.

Our by-laws need revision and, perhaps, additional legislation is required in order to bring this volatile business into peaceful harmony. The problems are not unique to Hamilton, however, but stretch to the area municipalities and indeed through Southern and Eastern Ontario. These problems greatly affect the local operators. Hence, the need for investigation and hopefully solutions to the many problems.

We are still confronted by many problems in both of these rapidly expanding areas and we must be careful not to slacken the degree of monitoring and regulation which we have been able to put into place at this time.

A handwritten signature in cursive script that reads "Fred Lombardo". The signature is written in dark ink and is positioned above the printed name and title.

Alderman F. Lombardo

Chairman

Lottery Subcommittee

City of Hamilton Licensing Committee

INDEX

Section A: Legislation

Section B: Administration and Enforcement

Section C: Licence Recommendations

Section D: Staff Recommendations

Section E: Structural Charts

Section F: Police Comments - Chief Torrance

SECTION A
LEGISLATION

Legislation

The responsibility of the Licensing Committee is solely for the administration and enforcement of the licensing regulations for the Corporation of the City of Hamilton. However, because of our experience in this area and our proximity to the problems that arise, we have been asked on a number of occasions to research and comment upon changes in legislation by the Legislation and Fire Committee. In addition, we, ourselves, have often instigated changes in legislation as a result of difficulties we may have encountered.

In this section, we will give you a brief overview of the legislative changes that have occurred in the past year and in which we have played a major role.

(1) Lotteries

The last major change in this area came in the latter part of 1978 when a tremendous amount of time was committed by Alderman Fred Lombardo to a wholesale change of the existing lotteries regulations in this City. As a result of those changes, we saw a much improved revenue picture for the various local church and religious groups. In the early part of 1980, in conjunction with changes made by the Province of Ontario, we felt it necessary to once again make a major amendment to this by-law.

The amendment provides that only members of the organization sponsoring the lottery may participate in the management and conduct of the lottery scheme. This does effectively curtail what had become an ongoing practice of obtaining a lottery licence and then hiring people to operate it on their behalf. This practice has led to a high level of problems within the lottery business,

even to the extent of criminal charges being laid against some people.

(2) Closing By-laws

The Licensing Committee became involved in the latter part of 1979 and the early part of 1980 in changes in the legislation governing the hours of operation of many types of businesses.

We played an important role in the decision to have the Early Closing By-law administered by the Region rather than the City of Hamilton. We have just recently recommended to the Legislation and Fire Committee that the Gasoline Early Closing By-law be repealed.

We also made recommendations to the Legislation and Fire Committee which were subsequently implemented and which increased the hours of operation of certain public halls and arenas, while at the same time a more equitable approach was taken with respect to City facilities which have similar operations as those in the private sector.

I would add that, while these changes tend to be less restrictive, we firmly believe that the hours of operation of the types of businesses which we licence should be regulated and that no extensions in operating hours beyond those presently in force should be granted.

(3) Adult Entertainment By-law

Perhaps more time, thought and research was put in this by-law than into any other that we have dealt with in recent memory. The Committee met with representatives of staff, the legal

department, the police (Vice Section) and others on innumerable occasions. These meetings included a full public hearing of the by-law and all matters affected by it.

The Council is, of course, aware that its legislation is presently being challenged before the courts. However, we continue to feel very positive about the steps we have taken and have instructed the licensing staff in consultation with the Legal Department that the by-law is to continue to be enforced.

(4) Old Gold Dealers

In the last two years or so, there have been great fluctuations in the price of gold and other precious metals.

The regulations governing these operators are very similar to those of pawnbrokers and dealers in second-hand goods, that is they are required to keep records of how and from whom the goods were received. Experience has shown in the area of pawnbrokers and second-hand dealers that this allows the police to recover extensive amounts of stolen property and acts as a safeguard for the store owner as far as his liability and participation in the criminal act are concerned.

(5) Lodging Houses

We have spent several years attempting to bring order out of chaos in the entire area of lodging, boarding, rest and nursing homes. There has been much difficulty in regulation of these homes because of the often split jurisdiction between the Province and the City. However, changes that are presently being considered by City Council dealing with a new licensing category, "Second Level Lodging Homes" should alleviate some of the problems, particularly the four or five tragedies that

occurred in these homes. The Licensing Committee is still very much aware of potential problems in other types of lodging houses and these are being investigated now to a limited degree, particularly those involving student residences around McMaster University.

(5) Zoning By-laws

We have had input into the zoning by-laws in two major areas this year. They are in the control of mobile refreshment stands and amusement arcades in the downtown core specifically and throughout the City generally. The amusement arcades particularly have proven themselves to be a significant nuisance factor and we have felt that they should be restricted to certain locations.

"Home Occupations" are one of the largest areas of complaint we receive. There are presently being considered new restrictions by the Planning and Development Committee, which hopefully will seriously curtail those activities through changes proposed in the zoning by-law. We have been working very closely with planning staff in this area, particularly pertaining to unlicensed businesses being operated in residential areas. These businesses adversely affect legitimate businesses, disturbs nearby residents and often endanger citizens, who put their trust in the workmanship being done by these fly-by-nighters.

SECTION B

ADMINISTRATION AND ENFORCEMENT

Administration and Enforcement

Administration

In 1978, the Licensing Section of the City Clerk's Office was handling everything on a manual basis. All cash flow was handled by the City Treasurer's Department. In the latter part of 1978, certain changes were implemented which were to radically change the method administration. These were:

- (a) Computerization of licensing files
- (b) The handling of all cash by the licensing section

Computerization has enabled us to cut down on the amount of overtime that was required to administrate the licensing process, particularly in the area of renewals.

It has allowed us to be more up to date and better able to quickly and accurately answer questions from citizens, business community or members of Council. It has enhanced our enforcement capability by making information readily available to our inspectors. It has decreased the amount of time the citizen has spent renewing his licence by allowing us to provide for mailed in renewals. This method accounted for the greatest percentage of our renewals last January.

The question of cash handling became necessary because:

- (a) Licensing staff are putting renewal information directly into the computer and this information cannot be entered unless the licence fee is paid for.
- (b) Although this has increased the responsibility of the licensing staff, the new procedures have greatly streamlined the process which in turn has made it easier and less time consuming for the citizenry to receive licences.

Enforcement

(1) Over the last several years, we have made many positive advances in enforcing our licensing by-laws. We have continued to have problems with taxicabs, cartage vehicles, transient traders, public halls, lodging houses and hours of operation of various businesses, however, we have been successful in finding and

prosecuting violators.

While it is the policy of the Licensing Committee to give everyone an opportunity to rectify a problem without going into the court system, we have found it necessary in the past year to lay 65 charges. Fifty-six of these have been completed and they resulted in fines totalling \$6,850.00. We should also make mention in terms of enforcement of the Lotteries By-law which consumes a great number of man hours and specialized skills. We have been fortunate in this area to have been able to draw upon the experience and training of the police department. While there is no provision within this legislation for a monetary penalty other than the withdrawing of the licence, we have had to take this latter step on a number of occasions.

(2) Provincial Offences Act

This new provincial legislation will revolutionize the enforcement of the licensing by-law. It will allow our enforcement staff to issue violations which have a pre-set fine allowing for a guilty plea and out of court settlement. We are presently awaiting the approval of the fines by the Chief Justice for Ontario. This new system will also allow our staff to immediately serve a violator with a subpoena for a court appearance. Many of the people we deal with are transients and we have experienced a problem in having them served with subpoenas.

(3) Amusement Arcades

We have been striving for a number of years to establish the right of the municipality to licence amusement machines, particularly pinball. Several years ago, an investigation was conducted and charges were laid against American Smoke Shops at 8½ John Street North. We were able to obtain a conviction in by-law court, which was subsequently appealed to county court. In a recent decision, the county court dismissed the appeal and upheld the right of the City to licence, regulate and govern such machines. (Appealed to Supreme Court of Ontario, Divisional Court, September 19, 1980) This is an area in which we receive a substantial number of citizen's complaints, which until now we have been unable to satisfy. As of now (in consultation with the Legal Department) we have instructed

our inspection staff to fully enforce these sections of the licensing by-law and hopefully should resolve many of the outstanding disputes.

(4) Adult Entertainment

In the first case of its kind in the Province, we brought charges against the owners of a film arcade in the downtown core who were showing erotic, nude-type films. We were successful in obtaining a conviction and, as stated in the previous section, we feel very positive that we can continue to enforce this by-law and control the areas of the City, the hours of operation and the individuals involved in this type of business be it erotic films, nude entertainment or body rub parlours.

SECTION C

LICENCE RECOMMENDATIONS

We are recommending that the fees for the majority of licences we issue remain unchanged at this time. You will recall that the last time major changes were made was in 1975. There are, however, five exceptions which we have listed below. We would recommend that the licensing by-law be amended to reflect these changes and that they take effect January 1, 1981.

Recommendation 1: Amusement Machines - at the present time the minimum fee for this licence is \$500.00 for 1-20 machines. We recommend no change in the fee in total but that the minimum fee be reduced to \$100.00 for 4 machines and then escalate at the rate of \$25.00 per machine.

<u>Present Fee</u>	<u>Recommended Fee</u>
Minimum \$500.00 (1-20 machines)	Minimum \$100.00 for 4 machines \$25.00 per machine thereafter

Recommendation 2: Taxicab Drivers - this year we will deal with almost 1400 of these licences and in terms of administration we are not recovering our costs on a \$10.00 fee. We recommend that the fee be increased to \$20.00. This will be the first increase in five years and should not create a hardship for any of the applicants.

<u>Present Fee</u>	<u>Recommended Fee</u>
\$10.00 per year	\$20.00 per year

Recommendation 3: Driving Instructors - this licence is in the same category as the taxicab drivers and for the same reasons we would recommend that the fee be increased.

<u>Present Fee</u>	<u>Recommended Fee</u>
\$10.00 per year	\$20.00 per year

Recommendation 4: Garages - we have been faced in recent years with increasing complaints in this industry. Many of them occur late at night or early in the morning and have proven difficult and complex to investigate.

<u>Present Fee</u>	<u>Recommended Fee</u>
Garage A-(sale of vehicles) \$50.00	Garage A-(sale of vehicles) \$50.00 (unchanged)
Garage B1-(motor and body repairs) \$20.00	Garage B1-(motor and body repairs) \$50.00
Garage B2-(motor repairs) \$10.00	Garage B2-(motor repairs) \$25.00

Present Fee

Garage B3-(body repairs) \$10.00
Garage C-(gasoline, per pump) \$10.00
Garage D-(parking lot) \$15.00
Garage E-(car wash) \$15.00

Recommended Fee

Garage B3-(body repairs) \$25.00
Garage C-(gasoline, per pump) \$10.00 (unchanged)
Garage D-(parking lot) \$25.00
Garage E-(car wash) \$25.00

Recommendation 5: Cartage Vehicles - while the initial fee seems high, it was implemented approximately five years ago at the request of the trucking industry. We are recommending that it be left unchanged but that the fee for the second and subsequent year and for each subsequent vehicle be amended.

Present Fee

First year fee \$250.00
Renewal fee \$ 50.00
Additional vehicle \$ 15.00

Recommended Fee

First year fee \$250.00 (unchanged)
Renewal fee \$ 75.00
Additional vehicle \$ 25.00

ANTICIPATED ADDITIONAL REVENUE FOR 1981 -- \$28,770.00

NUMBER OF LICENCES ISSUED - Jan. 1 - Sept. 1, 1980

ADULT ENTERTAINMENT CLASS A	183
ADULT ENTERTAINMENT CLASS H	138
AMUSEMENT CARNIVAL	2
AMUSEMENT MACHINES	22
AMUSEMENT RIDES	4
ARENA	1
AUCTIONEER	30
BAKESHOP	61
BARBERS & HAIRDRESSERS	409
BILL DISTRIBUTOR	3
BILL POSTER	1
BILLIARD	17
BINGO PARLOUR	1
BODY RUB PARLOUR OWNER	3
BODY RUBBER	10
BODY RUB PARLOUR OPERATOR	5
BOWLING ALLEY	12
BUILDING REPAIR CONTRACTOR	500
BUTCHER	125
CAB BROKER	3
CAB DRIVER	1310
PRIVATE CAB OWNER	224
PUBLIC CAB OWNER	9
PUBLIC HALL	53
DRIVING SCHOOLS	124
DRIVING INSTRUCTORS	109
DRIVE YOURSELF ESTABLISHMENT	21

DRAINLAYER CONTRACTORS	49
DRAINLAYER MASTERS	41
DRAINLAYER JOURNEYMAN	19
DRY CLEANERS PLANT & RECEIVING STATION	102
ELECTRICAL CONTRACTOR	264
ELECTRICAL MASTER	244
EXPLOSIVES	21
FOODSTUFF	558
FRESH FISH	8
GARAGE	538
HEATING CONTRACTOR	128
HEATING MASTER	139
HEATING JOURNEYMAN	140
LIVERY VEHICLE	67
LODGING HOUSE	96
BINGO, RAFFLE & BAZAAR LOTTERY LICENCES	
BINGO	1178
RAFFLE	225
BAZAAR	106
LAUNDRY	41
MASSAGIST	8
MILK VEHICLE	108
MOTOR VEHICLES	630
PEDLAR	63
TRUCK PEDLAR	43
PETTY CHAPMAN	1
PAWNBROKER	3
PER SHOPS	17

PLUMBING CONTRACTOR	161
PLUMBING MASTER	174
RESTAURANTS	361
REFRESHMENT VEHICLES	132
STEAM BATHS	10
SPECIAL SALES	14
SALVAGE DEALER	121
SECOND HAND	114
SALVAGE YARD	42
THEATRE	17
TOTAL LICENCES - issued to September 1, 1980	<u>9363</u>

STATEMENT OF REVENUE

<u>1975</u>	<u>1979</u>	<u>1980 (Estimate)</u>
\$149,000.00	\$377,624.00	\$410,000.00

SECTION D

STAFF RECOMMENDATIONS

It has been five years since the licensing section of the City Clerk's Office was first expanded and given a major licensing enforcement component. During this period a number of significant changes have taken place and I feel it is necessary to examine the job descriptions and classifications of the staff.

There are five factors which I believe could not have been foreseen in 1975 when the existing job description was created. They are:

- (a) the investigative skills required
- (b) the risk factors involved
- (c) the expansion of licensing control over erotic services
- (d) the knowledge of many Federal and Provincial statutes
- (e) the need to have inspectors sworn in as Special Constables

I believe these changes to be of a substantial nature and warrant the reclassification of the following positions;

- (a) Licence Inspector II
- (b) Licence Inspector I
- (c) Chief Licence Inspector
- (d) Licence Administrator

The reasons behind these reclassifications are as follows:

LICENCE INSPECTOR II

Investigative Skills

The present job description calls for a licence inspector to carry out the required inspections. An inspection by definition is, "to look upon or view closely so as to ascertain the quality or state or to detect errors". While this definition would cover some of the inspector's activities, particularly those relating to motor vehicles, i.e. taxicabs, trucks, etc., it by no means covers the wide spectrum of functions we call upon them to perform.

A definition of the term investigate, "to follow up by patient inquiry or observation; to inquire and examine into with systematic attention to detail and

relationship", is more descriptive of many of the duties our inspection staff performs.

Example: Our office received a number of complaints concerning a total of seven moving companies. After failing to reach any of them at their listed telephone numbers an inquiry was made to Bell Canada. We discovered that all seven telephones were listed at the same address and subsequent investigation showed this to be an empty house.

We then initiated a corporate record search of the seven companies which disclosed that they were all owned by the same individual. Our next step was to interview in greater detail the people who had filed the complaints. After the interviews we were satisfied that the complaints were truly legitimate but had come up with no hard evidence with which we could lay charges.

Our next step was to contact the Better Business Bureau and ascertain what if any complaints there were against these companies. We ended up with dozens and began the time consuming process of interviewing each of the complainants. Simultaneous to this we were attempting to contact the owner of the companies, both at his place of business and at his residence. This proved unsuccessful and in an attempt to catch him operating illegally in the City of Hamilton we began a surveillance of his place of business and the vehicles which operated from there. This also proved to be unsuccessful, mainly due to his willingness to change the licence plates and names (magnetic signs) on the vehicles.

Similarly after interviewing each of the complainants we had no hard evidence which we could present to a court of law.

We then requested that the police department ask their men to be on the lookout for these vehicles and to inform us if they were seen. As a result of this initiative a police officer came forward who had recently hired this company.

On the basis of his evidence and much of the material we were able

to collect during the investigation we were able to charge and convict this company. From start to finish this investigation lasted more than a year, however; it was brought to a succesful conclusion because of patient inquiry and observation with systematic attention to detail.

Risk Factors

There are three factors which come into play when determining the risk to a licence inspector performing his duties.

- (a) the character of the person he is dealing with
- (b) the time of day and location
- (c) the ability to summon assistance

There are any number of reasons why a business requires a licence; to insure compliance with local health, building, or fire by-laws; or because the business has an unsavoury reputation with the public and it is felt that government regulation and control is required. It is with the last category that our licence inspectors deal most frequently.

A significant percentage of the individuals working in these occupations; cab driver, stripper, body rubber, salvage or second hand dealer, transient trader, etc., have a criminal record or connection. Many of them have a record of violent crime. Our inspector is placed in a confrontation situation with these people late at night when there are very few other people on the street.

The cars we supply are equipped with two way radios but the system has a number of shortcomings, namely, (a) they are permanently installed in the vehicles; (b) no base station monitors after 5 p.m.; and (c) no mobile station monitors after 9:30 p.m.

Additionally, we have found it necessary to send our inspectors into body rub parlours singly with the backup team remaining outside until the evidence is gathered. While this has put our people in a position of greater risk, it has been outweighed by our successes in the courts using

this method of operation.

In many of the other large municipalities in Ontario we are aware of assaults on licensing staff. While we feel that we have built in as many safeguards as possible we must still accept that there is a risk factor which was not foreseen in 1975.

Erotic Services

Over the last five years there have been significant changes in the legislation governing erotic services (body rubs, etc.) the result of which has been to place the burden of enforcement upon the individual municipality. It is in this area as much as any other that licensing personnel have had to develop investigative skills and techniques and have found themselves often in very difficult circumstances.

In combating this problem we have used many of the methods developed by the police department over the years and while other cities have had major problems, eg. Toronto - Yonge Street, we have always remained in control.

Knowledge of Regulations

The present job description calls for an inspector to be familiar with the licence by-law and associated regulations dealing with the issuance of licences. Our enforcement officers have found it necessary to familiarize themselves with many statutes which are not municipal and which have no bearing on the issuance of a licence but have substantial impact on enforcement. A short list would

- include such as (a) the Criminal Code - a substantial number of licence investigations have led to criminal prosecution and licence inspectors are primary witnesses
- (b) Highway Traffic Act - we have obtained the right to lay charges under certain portions of this act
- (c) Immigration Statutes - as a result of information uncovered

during licence investigations, 8 persons have been deported.

- (d) Lottery Regulations - this is one of our largest areas of investigation and we are constantly updating ourselves on changes in Federal and Provincial legislation
- (e) Environmental Protection Act - governs how trucks may haul certain hazardous materials - trucks which we licence and which are under our jurisdiction

Special Constable Status

This has come about as a result of the previous four comments. It is interesting to note that at a time when the police department has been trying to eliminate all special constables, they fully endorsed our application to the Ontario Police Commission. I believe this to some degree illustrates the uniqueness of our situation.

I would make you aware that while our By-law Enforcement Officers are sworn in under Section 68 of the Police Act, by the Council, for the purpose of enforcing a municipal by-law, a licence inspector is sworn in under Section 67 of the Police Act which is an appointment by the Ontario Police Commission. As well as municipal by-laws our inspectors can enforce certain sections of the Highway Traffic Act relevant to their duties and have the power to serve warrants and subpoenas under the Statutory Powers and Procedures Act.

LICENCE INSPECTOR I

It is recommended that there be a difference between category I and category II inspectors for the reason that a category I inspector is expected to perform the following additional duties:

- (1) Research and prepare information for the Licence Administrator and the Licence Committee. The various types of businesses which fall under the jurisdiction of municipal licensing are ones which are constantly in a state of

change. As a result the various licensing by-laws and regulations must be amended to conform to or regulate these changes. The Government of Ontario, in placing before the Legislature new laws governing municipal licensing, recognized this fact by providing that licensing by-laws shall only be in effect for period of five years unless otherwise reviewed and passed against by municipal councils.

These changes are brought to our attention by any one of a number of people, such as:

- (a) members of Council
- (b) businessmen or persons working in an industry
- (c) other municipalities
- (d) other levels of government
- (e) members of the general public
- (f) City staff as a result of enforcement problems

Once these changes are brought to our attention, this individual will gather any necessary material and hold preliminary meetings with any of the people noted above who may be involved, for the purpose of gathering information. He would then prepare a preliminary report for the Licence Committee and attend a Licence Committee meeting to offer any explanation or additional information which may be required. At this point the Licence Committee would make a determination based upon this information and recommendation as to whether or not we should proceed any further.

If the decision is to proceed, he would prepare input for draft legislation and either correspond or meet with the Legal Department to have it properly prepared and worded.

He would then meet with any interested parties to receive their view on the draft legislation. This can be a lengthy process since it is quite often necessary to reach compromises or to arrive at totally new solutions in order to satisfy all parties involved. Quite often a piece of draft legislation will be rewritten four or five times as this process takes place.

Once the process is complete the legislation is then taken to the Licence Committee and ultimately to City Council.

A similar procedure is followed where either the Licence Administrator or

the Licence Committee has requested that a matter be investigated in order to update certain procedures or regulations not requiring legislation.

(2) Provide liaison between licence holders and the City. One of the most common complaints we were receiving was the inability of various groups or businesses within the City to communicate their needs and concerns to the Licence Committee. Approximately 18 months ago, as an experiment, we set up a Taxicab Advisory Board comprised of six businessmen in the industry who would consider all matters, relative to taxicabs, coming before the Licence Committee and comment or make recommendations on them.

It has been so successful that we now have similar groups with Driving School Operators and in a modified form with charitable organizations who run lotteries. We are also interested in further expanding into operators of cartage vehicles. It will be the function of an Inspector I to be liaison between the City and these groups.

(3) On a regular basis he will be expected to perform certain administrative duties, such as:

- (a) any administrative function related to an advisory group
- (b) approval of licences to individuals
- (c) responding to requests for information, mostly from other levels of government or lawyers or other municipalities or individuals.

In addition, from time to time, he may perform some of the duties of the Administrator, including that of Secretary to the Licence Committee, when they are for any one of a number of reasons assigned to him.

(4) The most difficult and complex part of these duties is that when a problem arises, and after you have ascertained all of the complexities, it is then necessary to come up with a solution and recommendation.

The solution that he recommends may or may not be acceptable to the various groups involved such as, other staff, other levels of government, businessmen, members of the public, and members of Council.

If it is not accepted it is then necessary to meet with those involved

either separately or jointly in an effort to reach a compromise which is satisfactory to everyone including ourselves.

This can be a time consuming and sensitive process requiring a high level of tact and consideration for all parties involved.

LICENCE ADMINISTRATOR & CHIEF LICENCE INSPECTOR

All of the proceeding pages of information can be applied to these two positions. As the supervisory staff in the section they must provide supervision to and accept responsibility for the action of their subordinates.

I would recommend that if you accept the previous recommendations, you maintain the same comparative salary separation between staff positions that presently exist.

RECOMMENDED SALARIES

Licence Inspector II (formerly Licence Inspector)

<u>Present Salary</u>		<u>Salary Range</u>		<u>Proposed Salary</u>	<u>Cost</u>
	<u>A7</u>		<u>A12</u>		
Jim Stevenson	1st yr.	\$15,193.07	\$19,198.99-22,522.92	\$19,198.99	\$4,005.92
Dean Barrow	2nd yr.	\$18,659.34	\$19,198.99-22,522.92	\$20,070.77	\$1,411.43
Doug Rose	2nd yr.	\$18,659.34	\$19,198.99-22,522.92	\$20,070.77	\$1,411.43
Patricia Bush	5th yr.	\$18,659.34	\$19,198.99-22,522.92	\$22,522.92	\$3,863.58

Licence Inspector I (formerly Licence Inspector) Reclassification

<u>Present Salary</u>		<u>Salary Range</u>		<u>Proposed Salary</u>	<u>Cost</u>
	<u>A7</u>		<u>A13</u>		
John Johnston	5th yr.	\$18,659.34	\$19,484.82-23,032.85	\$23,032.85	\$4,373.51

Chief Licence Inspector

<u>Present Salary</u>		<u>Salary Range</u>		<u>Proposed Salary</u>	<u>Cost</u>
	<u>113</u>		<u>118</u>		
Ronald Day		\$21,564.40	\$26,367.12-31,441.28	\$28,791.88	\$7,227.48

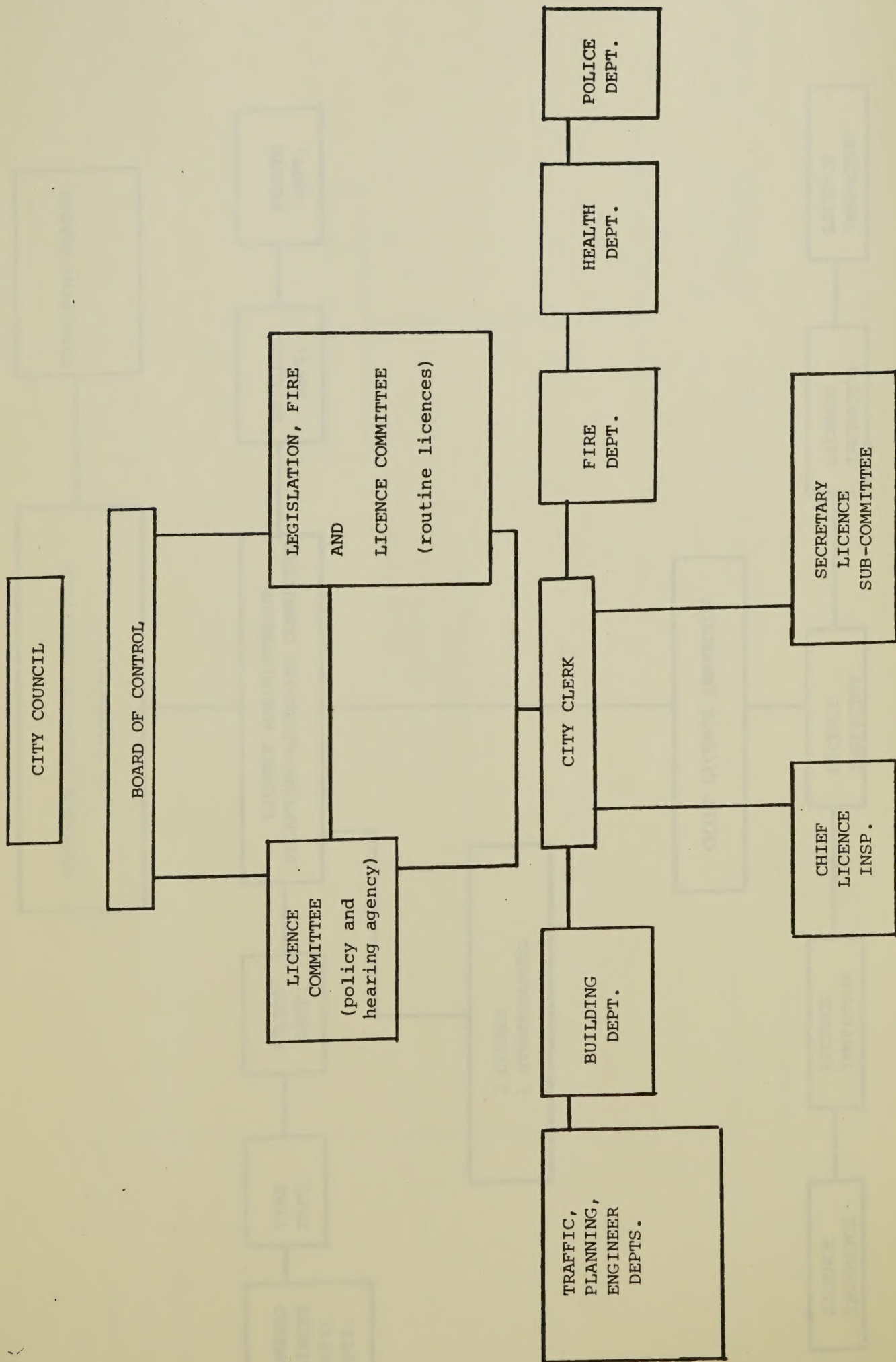
Licence Administrator

<u>Present Salary</u>		<u>Salary Range</u>		<u>Proposed Salary</u>	<u>Cost</u>
	<u>114</u>		<u>119</u>		
Steven Dembe		\$22,951.24	\$28,780.88-34,227.96	\$31,343.00	\$8,391.76

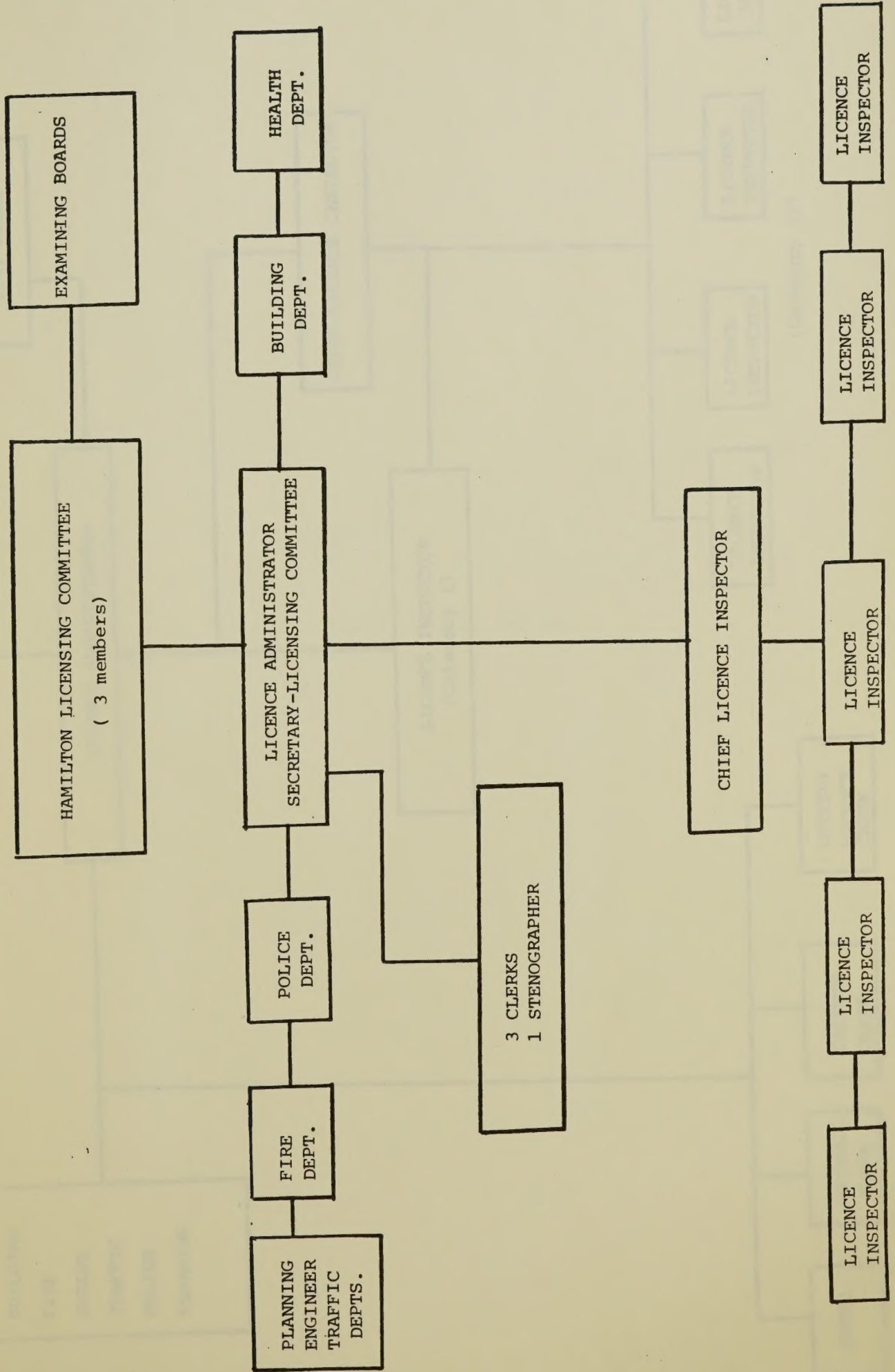
TOTAL COST -	<u>\$30,685.11</u>
--------------	--------------------

SECTION E

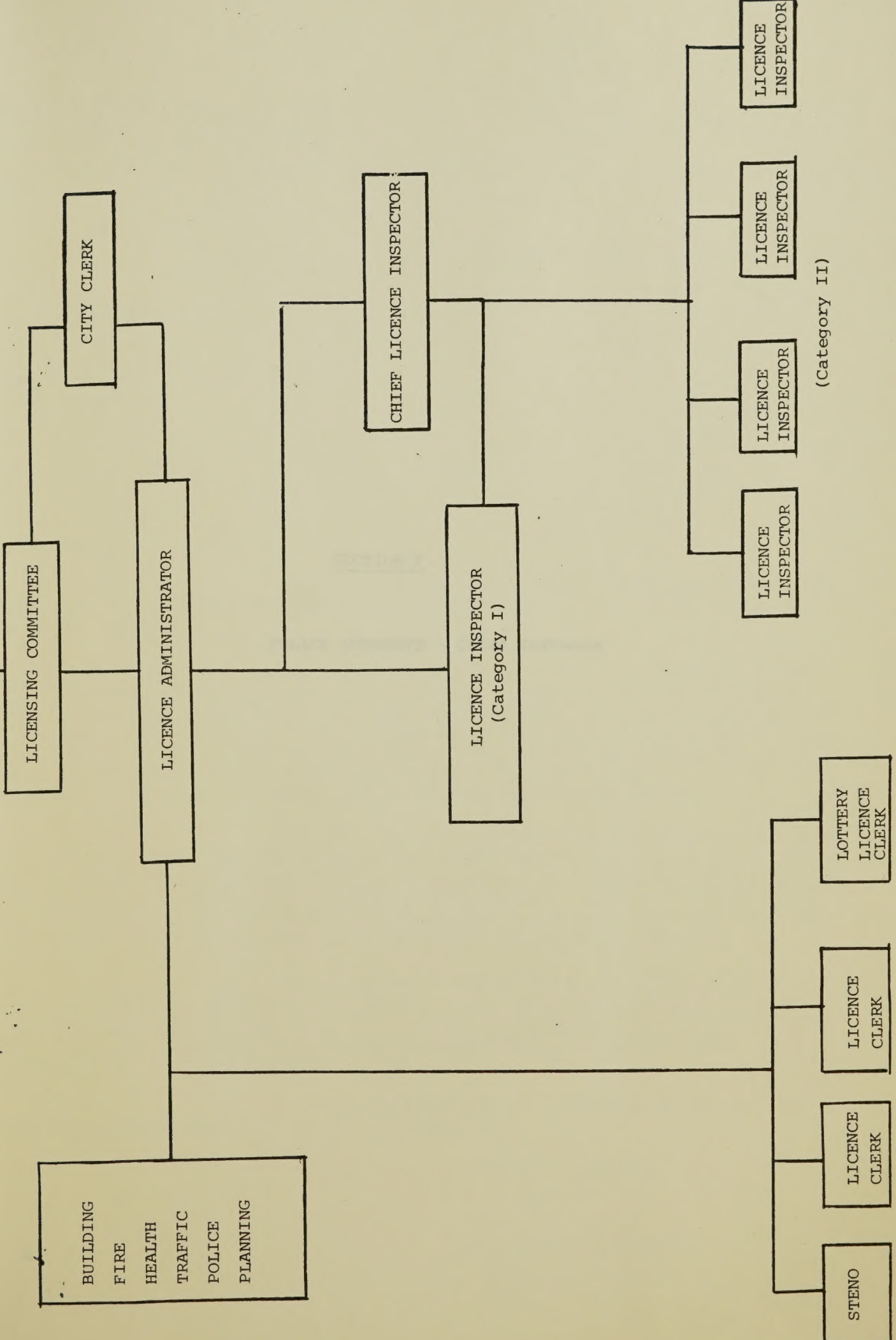
STRUCTURAL CHARTS



PRESENT SYSTEM



PROPOSAL SYSTEM



POLICE COMMENTS - Chief Torrance

POLICE COMMENTS - Chief Torrance

HAMILTON-WENTWORTH REGIONAL POLICE

155 KING WILLIAM STREET, HAMILTON, ONTARIO, CANADA, L8R 1A6- TELEPHONE (416) 522-4925



CHIEF OF POLICE
GORDON V. TORRANCE

September 26th, 1980

Mr. E. A. Simpson,
City Clerk,
City Hall,
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

Re: Licence Inspectors

Dear Mr. Simpson:

Inspectors of the City of Hamilton Licence Department and Officers of our police force work very closely together on numerous types of cases within the City.

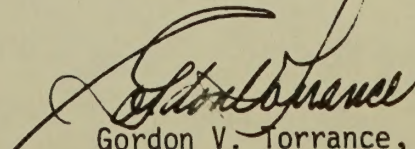
The City Inspectors are active in a number of areas of licencing which involves police investigation. On many occasions, the police are first alerted by the Licence Inspectors about criminal offences being committed. The Licence Inspector is confronted with checking individuals on the street often late at night when there isn't too much help around. They also go into the various premises to check them out and while this practice is a difficult one, it has contributed to the success of these cases when they are brought to court.

Most important is the fact that our community has been free of vice and other problems to a greater extent than most cities our size and the City Licence Inspectors have contributed a great deal to this working along with our police officers. We are fortunate to be able to work together with the License Inspectors in formulating new by-laws for consideration of the Licensing Committee. In this manner we are able to develop by-laws that we are able to enforce.

The operation of the police force in the areas of licences pertaining to vice and other matters would be severely hampered without the co-operation received from the City's Licence Inspectors. The Licence section of the City of Hamilton, and the Licence Inspectors have the complete trust and confidence of the police department.

I am grateful for the co-operation and the way that our departments work together closely in harmony.

Yours faithfully,


Gordon V. Torrance,
Chief of Police.

GVT:rc





MADE IN A/100V
1881
C/100V

HAMILTON PUBLIC LIBRARY



3 2022 21335241 8

MADE IN CANADA